

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Crl.MC.No. 1861 of 2007()

CRIME NO.105/2007 OF TIRUR POLICE STATION

PETITIONER: PETITIONERS

1. SHAIJU, S/O.ABHIMANNU, PUTHUCHATT
PARAMBIL HOUSE, TRIKANDIYUR AMSOM,
MUTHOOR DESOM.
2. C.P.SAJEESH, S/O.GANGADHARAN,
CHONATTUPARAMBIL HOUSE, TRIKANDIYUR
AMSOM.
3. ASOKAN, S/O.MUNDANKUTTY,
THALAPPALLIPADI HOUSE, TRIKANDIYUR
AMSOM, MUTHOOR DESOM.
4. UDYESH @ UNNI, S/O.ARAMUGHAN,
MANAMMEL HOUSE, TRIKANDIYUR AMSOM DESOM.
5. SAJEESH @ SAJI @ KUTTAPPI, S/O.KORAN,
PADIHEREPURAYIL HOUSE, TRIKANDIYUR AMSOM
MUTHOOR DESOM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: RESPONDENT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.105 OF 2007
OF TIRUR POLICE STATION).

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1861 of 2007

Dated this the 18th day of June 2007

O R D E R

The petitioners have faced allegations inter alia under Sections 302 and 153A read with 149 I.P.C. There was a clash between NDF workers and RSS workers and on account of that animosity, the petitioners had allegedly indulged in the said crimes which took place on 31/1/2007. They were arrested on various dates in March and April 2007. They were released on bail as per order dated 2/5/2007. The release was subject to conditions. Inter alia they were directed not to enter the limits of Malappuram District, until further orders.

2. The petitioners have come before this court with a prayer that the said condition may be deleted. The learned counsel for the petitioner submits that the condition was remained in force from 2/5/2007. In these circumstances, the said condition may be deleted and the petitioners may be permitted to return to their native place and homes. The application is opposed by the learned Public Prosecutor. The

learned Public Prosecutor submits that it is too early to delete the condition. According to the learned Public Prosecutor, the law and order situation remains grave in the locality. If the condition imposed were relaxed, it would lead to return of the violent incidents. In these circumstances, at any rate, the question of relaxation of conditions may not be considered now. The nature of the allegations and the gravity of the crimes may not be lost sight of, submits the learned Public Prosecutor. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. The condition that the petitioners should not enter the limits of Malappuram district appears to have been imposed by the learned Judge, taking into account the peculiar facts and circumstances of this case. I find no reason at this early stage to relax the said condition.

3. In the result, this writ petition is dismissed. I may hasten to observe that the petitioners shall be at liberty to approach this court at a later stage for relaxation of the said condition, not at any rate, prior to 23/7/2007.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007